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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
FEARER, MARK D	

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2443	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/766,026	KAKUTA ET AL.	
	Examiner	Art Unit	
	MARK D. FEARER	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed 09 December 2008 is acknowledged.

2. Claims 1 and 9 have been amended.

3. Claims 1-10 are pending in the present application.

4. This action is made FINAL.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) and in further view of Shimada (US 7203760 B2).

Consider claim 1. Horvitz discloses an apparatus for delivering information comprising a storage unit for storing groups of data (("Classification may vary depending on different folders in which messages are stored, as well as other scaling and control rules.") paragraph 0252), identification data (("For example, one or more profiles (not shown) may be selected or modified based on information about a user's location as can be provided by a global positioning system (GPS) subsystem, on information about the type of device being used and/or the pattern of usage of the device, and the last time a device of a particular type was accessed by the user.") paragraph 0286), index data corresponding to identification data (("Classification can also be improved with the use of incremental indexing that employs a moving window in the classifier. This enables the classifier to be routinely refreshed, as old data is timed out, and new data is brought in.") paragraph 0250), and a set of profile data (("FIG. 3 illustrates how notifications from various alert sources 60 can be tagged with an

urgency, importance, and/or priority value in a local user profile 64 stored at the source.") paragraph 0088), the profile data being related to the identification data (("The message class for a notification generated by a notification source indicates the type of communication of the notification, such as e-mail, instant message, numerical financial update, and desktop service, for example.") paragraph 0332) according to profile data acquired in said storage unit. However, Horvitz fails to disclose user terminals, groups of users, or sets of two or more user groups, data, and devices. DeSimone et al. discloses a system and method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups (("In accordance with one aspect of the present invention, a user maintains multiple simultaneous real-time chat sessions with a plurality of other participants using a single client residing on a personal computer, workstation or terminal (collectively, "terminal").") column 2 lines 30-34 ("Still more particularly, aspects of the present invention relate to systems and methods for establishing and maintaining multiple simultaneous asynchronous message sessions between overlapping or non-overlapping sets of users in data communications contexts, such as Internet chat sessions.") column 1 lines 10-15 ("In other cases the session may include a group of users such as those logged onto an on-line service or similar chat room, or included in a "buddy list" maintained by a user.") column 3 lines 39-42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a system and method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups

as taught by DeSimone et al. with an apparatus for delivering information comprising a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data as taught by Horvitz for the purpose of reducing notification disruptions. However, Horvitz, as modified by DeSimone et al., fails to disclose a method of determining an order of delivering updated first information. Shimada discloses a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined ((“wherein said data server further includes a database storing a plurality of priorities assigned to users of said plurality of data terminals, said data server being further operable to access the stored priorities in determining an order of”) Claim 5) on the basis of updating first information data ((“The updating is accomplished by updated information distributed to the user in a form of being stored in the physical medium 10 and reproduced by such user, or downloaded from the server machine 4 as one event of the downloading schedule.”) column 14 lines 10-14).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data as taught by Shimada with a method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups and an apparatus for delivering information comprising a storage unit for storing groups of data, identification

data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data as taught by Horvitz, as modified by DeSimone et al., for the purpose of an information delivery method.

7. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Shimada (US 7203760 B2) and in further view of Kall (US 20040180669 A1).

Consider claims 2 and 4, and as applied to claims 1 and 2, respectively. Horvitz, as modified by DeSimone et al. and Shimada, discloses an apparatus for delivering information. However, Horvitz, as modified by DeSimone et al. and Shimada, fails to disclose an apparatus for delivering information comprising restrictions on update information. Kall discloses a telecommunications system comprising the quality of service level parameters of accuracy, update frequency, time stamp, time-to-first-fix, reliability, and continuity ((“It may be possible for the LCS client 8 to specify or negotiate a (minimum) level of quality, such as accuracy, in a station location information request. Different applications demand different levels of positioning accuracy and other positioning performance parameters, so the levels of performance should be classified according to the type of applications. The quality of location information can involve parameters like accuracy, update frequency, time stamp, time-to-first-fix, reliability, continuity, etc. The quality of the generated location information can exceed the

required level. In case location information is not available to the required quality level, the request can either be denied and the service execution terminated, or the user accepts the lower quality information. The quality level requirement of each service (application) could be set both by the subscriber and the service provider.") paragraph 0042).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a telecommunications system comprising the quality of service level parameters of accuracy, update frequency, time stamp, time-to-first-fix, reliability, and continuity as taught by Kall with an apparatus for delivering information as taught by Horvitz, as modified by DeSimone et al. and Shimada, for the purpose of dynamic updating.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Shimada (US 7203760 B2) and in further view of Crandall (US 20020029291 A1).

Consider claim 3, and as applied to claim 1 above. Horvitz, as modified by DeSimone et al. and Shimada, discloses an apparatus for delivering information. However, Horvitz, as modified by DeSimone et al. and Shimada, fails to disclose an apparatus for delivering information comprising restrictions on first update information or delivery order thereof. Crandall discloses an active requesting of information device

comprising newsfeeds that watch timestamps and, when they are delivered, are delivered in reference to the sequence of the previous command ((“The command sequence 500 may be as long as desired, and may include commands for reproducing information that has not yet been stored. For example, the command sequence 500 includes the "news" command 522 for reproducing news information from the storage device 400 on Day 461 of programming, but it is obvious that, at the time the command sequence 500 is sent, the news for Day 461 is not yet known. Therefore, the "news" storage portion of the macro portion 440 of the storage device 400 will be updated with fresh news information for Day 461 at some time prior to 6:00 AM on Day 461, for example, and then this updated information will be reproduced at 6:00 AM on Day 461 based on the previously transmitted command sequence.”) paragraph 0077).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate an active requesting of information device comprising newsfeeds that watch timestamps and, when they are delivered, are delivered in reference to the sequence of the previous command as taught by Crandall with an apparatus for delivering information as taught by Horvitz, as modified by DeSimone et al. and Shimada, for the purpose of sequential and current data in a communications system.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Shimada (US 7203760 B2) and in further view of Schneider (US 6442549 B1).

Consider claim 5, and as applied to claim 1 above. Horvitz, as modified by DeSimone et al. and Shimada, discloses an apparatus for delivering information. However, Horvitz, as modified by DeSimone et al. and Shimada, fails to disclose an apparatus for delivering information comprising means for adding a datum responsive to the order to the updated first information data. Schneider discloses a system and method for processing reusable information wherein data is appended, updated, deleted, or expired in reference to TTL, expiration date, or renewal date ((“At this point, the subscriber 96 can operate the computer system 32 and execute the program 34 to either combine a current data file 142 with the control data 126 or to configure, query, browse, select, report, archive, order, or hyperlink from the master premature expired database 140 and connect to a network such as the Internet 144 or other on-line services via the transceiver 92 of the computer system 32 to view a selected document image and send order or other information to the provider 94. The first 120 and subsequent deliveries 122 of FIG. 4a represent information sent during a given subscription period. A subscription period is the time it takes to send a new first delivery 120 of information. For instance, if a portable storage media 136 is updated and sent quarterly, the subscription period is three months. More than three months of data files 30 of patent information that have the potential to prematurely expire are placed on the

portable storage media 136 so there is no lapse in coverage for creating indexed databases of newly available information 130 while the portable storage media 136 for the next subscription period is being sent.") column 17 lines 34-53 ("Conventionally, a cache is used to speed data access by ranking data on criteria such as frequency of use, last use, time-to-live (TTL) or expiration period etc. When it is determined new data is to be cached while the cache is full, the new data is appended and data that has expired, seldom been accessed, or not accessed within a given duration is deleted. The long-term cache of the present invention, however, functions in a reverse model by placing priority on data that has remained in the cache longer. Data is arranged by TTL, expiration date, or renewal date and more priority is placed on data as the TTL, expiration, or renewal date approaches. The present invention is applicable to caching wherein at subsequent intervals a compiled subset of a cache takes upon new use independent from the use of the original cache.") column 18 lines 27-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a system and method for processing reusable information wherein data is appended, updated, deleted, or expired in reference to TTL, expiration date, or renewal date as taught by Schneider with an apparatus for delivering information as taught by Horvitz, as modified by DeSimone et al. and Shimada, for the purpose of monitoring identifiers for information availability.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Schneider (US 6442549 B1) in further view of Shimada (US 7203760 B2) and in further view of Iwata et al. (US 20030008679 A1).

Consider claim 6, and as applied to claim 1 above. Horvitz, as modified by DeSimone et al., Shimada and Schneider, discloses an apparatus for delivering information comprising means for adding a datum responsive to the order to the updated first information data. However, Horvitz, as modified by DeSimone et al., Shimada and Schneider, fails to disclose an apparatus for delivering information comprising means for adding a datum responsive to the order to the updated first information data, further comprising instruction data for changing the updated first information. Iwata et al. discloses a mobile information terminal comprising user input in the form of voice and touch-tone keypad wherein an operator can manually instruct the apparatus to prioritize messaging (Fig. 6 ("The mobile information terminal equipment may further comprise a historical information storage for storing the use status in telephone mode and history of the subsequent screen, and wherein the subsequent screen stored in the historical information may be retrieved as the possible screen based on which the subsequent screen may be determined.") paragraph 0049 ("The mobile information terminal equipment may be, wherein the application may be possible to activate another application, and at least one of data displayed on a preceding application screen and data pertaining to the data displayed used in a preceding

application screen and data may be displayed on a subsequent application screen, in information terminal mode.") paragraph 0052 ("The mobile information terminal equipment may further comprise a voice output unit and a telephone keyboard used in telephone mode, an application which may have an application screen on which data may be input/output in information terminal mode, and wherein an input request from an opposite party may be made by one of outputting the input request into the voice output unit and displaying the input request on the application screen display unit, and a response to the opposite party may be input from the telephone keyboard in telephone mode, wherein an input request from the opposite party may be displayed on the application screen and a response to the opposite party may be input onto the application screen in information terminal mode, and wherein the application may be executed in telephone mode and in information terminal mode.") paragraph 0056 ("The mobile information terminal equipment may further comprise a microphone, a voice signal switch unit, a radio unit, and a modem, and a control unit for controlling the microphone, the voice signal switch unit, the radio unit and the modem, and wherein the control unit may instruct the voice signal switch unit to temporarily shut a path from the microphone to the radio unit during talk to validate a path from the modem to the radio unit, so as to switch the line used for the telephone to the modem to allow the user to halt the talk being conducted with hand-free condition and to transmit the data including the information written using the personal management function, and then may resume the talk upon completion of the data transmission.") paragraph 0069).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a mobile information terminal comprising user input in the form of voice and touch-tone keypad wherein an operator can manually instruct the apparatus to prioritize messaging as taught by Iwata et al. with an apparatus for delivering information comprising means for adding a datum responsive to the order to the updated first information data as taught by Horvitz, as modified by DeSimone et al., Shimada and Schneider, for the purpose of a portable information device.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Shimada (US 7203760 B2) and in further view of Hoshi et al. (US 6980977 B2).

Consider claim 7, and as applied to claim 1 above. Horvitz, as modified by DeSimone et al. and Shimada, discloses an apparatus comprising a datum responsive to the order in which the first information was delivered to the user terminal, a datum responsive to a frequency of updating information transmitted from the user terminal, a datum of a location datum of the user terminal, and a datum responsive to a type of the user terminal ((“Referring now to FIG. 2, a notification preference profile 20 and a notification schema 50 associated with the sources 12-16 are illustrated in accordance with an aspect of the present invention. As illustrated, the notification preferences profile 20 includes rules and policies for assigning priority values to notifications based upon

the notification schema 50. The notification schema 50 defines attributes and values associated with a respective source 12-16. These values within the schema 50 can include a notification class, a source identifier, a source assigned priority value, sender information, target information, message content components, associated notification context, and/or other attributes. Based upon values defined in the schema 50, the notification preferences profile 20 can be configured to provide a determination as to the delivery of notifications from notification sources to notifications sinks.") Horvitz, paragraph 0073 ("The notification schema 50 described above can be provided by a service provider of information that defines attributes and elements for intelligent routing of notifications. The schema 50 can include a notification header defining a notification class, title, and subscription identification (ID). Additionally, notifications can be stamped with a unique ID and time of receipt. Schema information can include whether the notifications were generated by an automated agent or person. The header information can also include volatility information such as time to live and replaceability via a notification update, and also can include whether the notification is replaceable with the same title, class or other designation.") Horvitz, paragraph 0083 ("According to another aspect of the present invention, a notification platform 317 can be employed in conjunction with the priorities system 312 to direct prioritized messages to one or more notification sinks accessible to users. As will be described in more detail below, the notification platform 317 can be adapted to receive the prioritized messages 316 and make decisions regarding when, where, and how to notify the user, for example. As an example, the notification platform 317 can determine a communications modality (e.g.,

current notification sink 318 of the user such as a cell phone, or Personal Digital Assistant (PDA)) and likely location and/or likely focus of attention of the user. If a high importance e-mail were received, for example, the notification platform 317 can determine the users location/focus and direct/reformat the message to the notification sink 318 associated with the user. If a lower priority message 316 were received, the notification platform 317 can be configured to leave the e-mail in the user's in-box for later review as desired, for example. As will be described in more detail below, other routing and/or alerting systems 319 may be utilized to direct prioritized messages 316 to users and/or other systems.") Horvitz, paragraph 0125). However, Horvitz, as modified by DeSimone et al. and Shimada, fails to disclose a system or method comprising user status, user history, time stamping of information updates, or receipt of funds for use of information. Hoshi et al. discloses a system for acquiring and analyzing personal profile data comprising user status and history (("In yet another aspect of the present invention, an operation logging, analyzing and communication unit is located between the remote controller and remote-controlled devices, in order to precisely know the status and operation history of such devices as the VCR 4 and television 5 being remote controlled. Thus, the system is configured so that the operation logging, analyzing and communication unit relays signals from the remote controller to the remote-controlled devices.") column 5 lines 1-9 ("The system service section 9 successively updates user profile data and bills advertiser, according to a record of clicks by each user 2 on advertisement content or a record of product purchases.") column 8 lines 26-29), individual user profile updates according to time (("The system service section 9 also

reproduces the profile of each individual user to update personal profiles that the node 11 maintains, in order to cope with variations in the personal profiles with time.") column 12 lines 9-12) and a method to pay for system access (("The terminal devices 7 and 8 for system users sign contracts with the system service section 9 regarding the quality of service provided by the system service section 9, acquire the right of access to users 2 having profiles desired by the terminal devices 7 and 8 for system users and the right to use a given method of access, and pay costs for the services.") column 6 lines 16-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a system and method comprising user status, user history, time stamping of information updates, and receipt of funds for use of information as taught by Hoshi et al. with an apparatus comprising a datum responsive to the order in which the first information was delivered to the user terminal, a datum responsive to a frequency of updating information transmitted from the user terminal, a datum of a location datum of the user terminal, and a datum responsive to a type of the user terminal as taught by Horvitz, as modified by DeSimone et al. and Shimada, for the purpose of exchanging current and stored information of users in a communications environment.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Shimada (US 7203760 B2) and in further view of Erdelyi (US 6631522 B1).

Consider claim 8, and as applied to claim 1 above. Horvitz, as modified by DeSimone et al. and Shimada, discloses an apparatus comprising a plurality of information data which are different each other (("In a data network comprising a plurality of nodes, at least some of which nodes are connected to terminals, each terminal associated with a user, a method for communicating between users in a plurality of simultaneous text chat conversations, each chat conversation comprising a selected plurality of said users (participants) to the exclusion of other non-participant users, the method comprising, separately for each of said plurality of simultaneous text chat conversations, …") DeSimone et al., claim 1). However, Horvitz, as modified by DeSimone et al. and Shimada, fails to disclose a system wherein each information data is assigned to an order, and the information data is delivered to a user terminal corresponding to the order. Erdelyi discloses a method and system for indexing, sorting, and displaying a video database comprising data assigned to an order and an identification (("The User can select, review, and edit some or all user preferences using the User Preferences GUI. For example, the User can designate the playing order of the clips, the number of games to be searched 352, whether the footage is to be delivered in chronological or reverse chronological order 354, change a password, select the first screen view, and choose the default camera angle.") column 11 lines 34-40 ("The

software application that is used to generate the ECL automatically assigns sequential clip identification (Clip ID) numbers 390 to each consecutive numbered clip 392. The first encoder then determines the In and Out points that define the beginning and end of each clip, and assigns a file name to each clip.") column 12 lines 64-67 and column 13 lines 1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a method and system for indexing, sorting, and displaying a video database comprising data assigned to an order and an identification as taught by Erdelyi with an apparatus comprising a plurality of information data which are different each other as taught by Horvitz, as modified by DeSimone et al. and Shimada, for the purpose of user selectable information in wireless devices.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 7158805 B1) in view of Erdelyi (US 6631522 B1) and in further view of Shimada (US 7203760 B2).

Consider claim 9. Park et al. discloses a method of information delivery comprising the steps of: receiving information from a user terminal (("… a system control unit for controlling changed concise information, detailed information, or key information sent from one of the plurality of information and telecommunications terminals to be stored in the system memory unit corresponding to the user, reading

information stored in the system memory units based on the key information, and sending the information to information and telecommunications terminals of all other parties.") column 2 lines 20-28), obtaining identification information for identifying a user terminal to which the information is delivered (("… said subscriber system automatically sends information related to said identifying numbers to a user's information and telecommunications terminal, …") claim 10), obtaining profile information from a user terminal that requires to be delivered the information (("… information items: a profile, a working field, greeting, a moving picture or a voice data for introducing the user, a user hobbies, user merits, user interests, a user diverse information item, a bulletin board, or one or more information items used for expressing a user's mood, look, emotion, or information related to certain gifts or actions, or information for expressing an index of amiableness with another party, or information on various natural environment, or information on user quizzes.") claim 11), and receiving the information updated (("An example non-limiting illustrative implementation of the system and method disclosed herein includes a system for exchanging information among users, and a system for automatically updating changed information in storage devices of all telecommunication terminals of a subscriber system that exchanged information with a particular user, when changes occur in diverse information or key information related to that particular user.") column 1 lines 53-60). However, Park et al. fails to disclose a method for indexing, sorting, or displaying a video database comprising indexing information in a database, or storing user attribute information in a profile. Erdelyi discloses a method and system for indexing, sorting, and displaying a video database comprising indexing

information in a database, and storing user attribute information in a profile ((“The present invention provides a method and system for indexing, sorting, and displaying a video database. The preferred embodiment of the present invention is adapted for use in indexing the video display of one or more sporting events, such as a season of league football games. However, it is readily apparent that the method and system according to the present invention can also be used to index, sort, and display video recordings of other types of events, including but not limited to theatrical performances, musical events, or political speeches.”) column 4 lines 33-43 (“The present invention includes hardware and software components, and implements a novel encoding process to provide a searchable video and informational database. The present invention can be implemented using any suitable computer system, including one or more personal computers, a "dumb" terminal, a network of interconnected computers, a personal digital assistant, an intranet system, or the Internet. In addition, the present invention uses at least one database to store the video database, as well as any other information to be indexed thereto. In the preferred embodiment of the present invention, five encoding levels are used to enter data into at least one searchable computer database. An intelligent scene detection process can also be used to automate any or all of the encoding processes. Each encoder and the User use specially configured graphical user interfaces (GUI s) to access the system.”) column 2 lines 15-30 (“The statistical information database stores profile information for each player. The fifth encoder monitors and edits this information. Player profile information can include, but is not limited to position 533, status 534, age (not shown), weight 536, height 538,

speed 540, experience 542, college (not shown), date of birth 544, agent (not shown), last team (not shown), salary requirements 546, injury history 548, home town 552, home phone 554, overall rating 556, and intra-league activity reports 550. The players statistics (Statistics) 560, name plate 562, and photo 564 can also be displayed.") column 21 lines 41-51 ("The User can select, review, and edit some or all user preferences using the User Preferences GUI. For example, the User can designate the playing order of the clips, the number of games to be searched 352, whether the footage is to be delivered in chronological or reverse chronological order 354, change a password, select the first screen view, and choose the default camera angle.") column 11 lines 34-40 ("Each tape track is then divided into a series of consecutive clips. A clip is a tape segment of a predetermined event. For example, each play of a football game videotape can be designated as a separate clip. A file naming protocol known as Clip ID is used to index each clip in the video database (2005).") column 12 lines 14-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a method and system for indexing, sorting, and displaying a video database comprising indexing information in a database, and storing user attribute information in a profile as taught by Erdelyi with a method of information delivery comprising the steps of: receiving information from a user terminal, obtaining identification information for identifying a user terminal to which the information is delivered, obtaining profile information from a user terminal that requires to be delivered the information, and receiving the information updated as taught by Park et al. for the purpose of exchanging, indexing, and sorting communications messaging. However,

Park et al., as modified by Erdelyi, fails to disclose a method of determining the order in which video clips are retrieved. Shimada discloses a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined (("wherein said data server further includes a database storing a plurality of priorities assigned to users of said plurality of data terminals, said data server being further operable to access the stored priorities in determining an order of") Claim 5) on the basis of updating first information data (("The updating is accomplished by updated information distributed to the user in a form of being stored in the physical medium 10 and reproduced by such user, or downloaded from the server machine 4 as one event of the downloading schedule.") column 14 lines 10-14).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data as taught by Shimada with a method for indexing, sorting, and displaying a video database comprising indexing information in a database, and storing user attribute information in a profile and a method of information delivery comprising the steps of: receiving information from a user terminal, obtaining identification information for identifying a user terminal to which the information is delivered, obtaining profile information from a user terminal that requires to be delivered the information, and receiving the information updated as taught by Park et al., as modified by Erdelyi, for the purpose of an information delivery method.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 7158805 B1) in view of Erdelyi (US 6631522 B1) in further view of Shimada (US 7203760 B2) and in further view of Hoshi et al. (US 6980977 B2).

Consider claim 10 and as applied to claim 9 above. Park et al., as modified by Shimada, discloses a telecommunications system and terminal apparatus comprising a location (read as positional) function of a terminal ((“For example, when a user carrying an information and telecommunications terminals gets into the car or an information and telecommunications terminal is in the car, a variety of data on speed, location, break state, engine state, and other states of the car's operation are sent to the information and telecommunications terminal.”) Park et al., column 14 lines 63-67 and column 15 line 1). However, Park et al., as modified by Shimada, fails to disclose a system or method comprising terminal type, information delivery order, or frequency of information updates. Erdelyi discloses a method and system for indexing, sorting, and displaying a video database comprising terminal type ((“Activity, Camera, and Injury buttons 272, 274, 276 are provided in the Video Screen Box 250 to allow the User to select among the types of displays to be shown in the viewing screen. In the preferred embodiment, the Activity Screen (not shown) is the default screen display.”) column 9 lines 9-14), information delivery order ((“For example, the User can designate the playing order of the clips, the number of games to be searched 352, whether the footage is to be delivered in chronological or reverse chronological order 354, change a password,

select the first screen view, and choose the default camera angle.") column 11 lines 35-40), and frequency of information updating (("… databases are preferably updated 605 on a periodic basis. These updates can be performed by either a human encoder, or automatically by a computer.") column 22 lines 28-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a system and method comprising terminal type, information delivery order, and frequency of information updates as taught by Erdelyi with a telecommunications system and terminal apparatus comprising a location function of a terminal as taught by Park et al., as modified by Shimada, for the purpose of a system and method for acquiring and sorting communication messages. However, Park et al., as modified by Shimada and Erdelyi, fails to disclose a system or method comprising user status, user history, time stamping of information updates, or receipt of funds for use of information. Hoshi et al. discloses a system for acquiring and analyzing personal profile data comprising user status and history (("In yet another aspect of the present invention, an operation logging, analyzing and communication unit is located between the remote controller and remote-controlled devices, in order to precisely know the status and operation history of such devices as the VCR 4 and television 5 being remote controlled. Thus, the system is configured so that the operation logging, analyzing and communication unit relays signals from the remote controller to the remote-controlled devices.") column 5 lines 1-9 ("The system service section 9 successively updates user profile data and bills advertiser, according to a record of clicks by each user 2 on advertisement content or a record of product purchases.") column 8 lines 26-29),

individual user profile updates according to time (("The system service section 9 also reproduces the profile of each individual user to update personal profiles that the node 11 maintains, in order to cope with variations in the personal profiles with time.") column 12 lines 9-12) and a method to pay for system access (("The terminal devices 7 and 8 for system users sign contracts with the system service section 9 regarding the quality of service provided by the system service section 9, acquire the right of access to users 2 having profiles desired by the terminal devices 7 and 8 for system users and the right to use a given method of access, and pay costs for the services.") column 6 lines 16-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a system and method comprising user status, user history, time stamping of information updates, and receipt of funds for use of information as taught by Hoshi et al. with a telecommunications system and terminal apparatus comprising a location function of a terminal, terminal type, information delivery order, and frequency of information updates as taught by Park et al., as modified by Shimada and Erdelyi, for the purpose of exchanging current and stored information of users in a communications environment.

Response to Arguments

15. Applicant's arguments filed 09 December 2008 with respect to claims 1 and 9 have been considered but are not persuasive.

Applicant' Representative argues that Horvitz in view of DeSimone et al. and further in view of Shimada fails to teach means for determining an order of delivering the updated information data to the second user terminal according to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated.

Examiner respectfully disagrees. Horvitz in view of DeSimone et al. and further in view of Shimada discloses a system and method comprising a means for determining an order of delivering updated information data ((“The system as claimed in claim 1, wherein said data server further includes a database storing a plurality of priorities assigned to users of said plurality of data terminals, said data server being further operable to access the stored priorities in determining an order of distribution.”) Claim 5 (“The system as claimed in claim 5, wherein the plurality of priorities includes a first priority and a second priority and when said data server determines that the electronic data network is congested, said data server is operable to distribute the content data in the order of distribution to a first set of said plurality of data terminals used by users assigned a first priority before said data server distributes the content data to a second set of said plurality of data terminals used by users assigned a second priority.”) Claim 6) to a second user terminal according to profile data acquired by reference to a second group of data in a storage unit when the first information data is updated ((“based on said first sequences of messages, updating the status of said first window at each of said first set of terminals”) DeSimone et al., Claims 8 and 12 (“The HDD 16 stores

system programs such as "downloader" and "extractor", and a predetermined user application program. The "downloader" is a program for downloading various content data by communicating with the server machine 4 on the network NW. The "extractor" is also a program for decoding the various content data downloaded in an archived manner into a predetermined region of the HDD 16. The communication card slot 15 is a high-speed interface allowing insertional connection of a communication card 17 for telephone line or a communication card 20 for mobile phone. The communication card 17 for telephone line can be connected to a telephone line provided for a user's home via a modular cable 18 and a modular jack 19, by which wire communication is established between the domestic client terminal device 2 and the server machine 4. On the other hand, the communication card 20 for mobile phone can be connected to a mobile phone 22 via a communication cable 21, by which wireless communication is established between the domestic client terminal device 2 and the server machine 4.") column 3 lines 39-60).

Conclusion

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Mark Fearer
/M.D.F./
March 6, 2009

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443